App. F. IX-4

1927-8. (R A)

File No. 3-27

Serial Nos. 8-12

Previous References
R.A 3-27-(167)

Later References

General and Revenue Secretariat.

Serial Nos. Five

P. 36-E

Part B for June 1928.

SUBJECT

Review petition of Mr. Hoskote Bhadrappa re the election of a member to the Representative Assembly from the Koratagere rural Constituency.

1) To the D.C. Tumkur with records
" Mr. Bhadrappa, Merchant, Chikpet Bangalore city
" " B K-S. Gundappa, Koratagere
" " G. Ramiah, Pleader, Koratagere

G.O. no Rel 819—22 d 23.5.28.

Directs that Mr. H. Bhadrappa may be declared duly elected to the R.A from the Koratagere rural constituency as the allegations of corrupt practices against him have not been proved.

12) To the Compiler, Mysore Gazette

Notifn. no Rel 823 d 23.5.28. Copy to D.C. Tumkur

Declares Mr. Bhadrappa as duly elected to R.A. in accordance with the G.O. referred to above and cancels the notification of election of Mr. G. Ramiah as duly elected in the

G. R. S. 11]

1917-8

GENERAL AND REVENUE SECRETARIAT.

(RA)

NOTES.

File No. 3-27

FILE HEADING.

Review petition of Mr. H Bhadrappa Merchant Cricket Bangalore City re: his RA Election appeal from Koratagere Rural Constituency

From

Mr H Bhadrappa, Cricket Bangalore City

No. — Dated 7. 11. 27 Received 7. 11. 27 8

Diary No. 82 Enclos. — Spare Copies. — Serial No. 8

BRIEF ABSTRACT OF LETTER.

Prays for a reconsideration of the Govt order No. Rel 224/RA 3-27-7 dt 7.10.27 dismissing his appeal against the order of the Dy Comr. Tumkur dt setting aside his election to the Rep: Assembly from the Koratagere Sub Taluk & declaring Mr. G Rangaiah as member instead.

NOTES AND ORDERS.

Submitted. Mr Bhadrappa who stood for election from Koratagere Sub Taluk to the RA in the general election held last March and was declared duly elected has on the result of the appeal

File for

NOTES—First Sheet.

General and Revenue Secretariat. File No. 3 of 1927

Serial No.

prefaced by one of the defeated candidates (Mr. K. S. Gundappa, by name) this election was set aside by the Dy Comr Tumkur Dt on the ground of corrupt practice, and one Mr. G. Ramiah, who had secured the next highest No. of votes was declared duly elected. Against this decision of the Dy Comr Tumkur Dt Mr. Bhadrappa appealed to Govt, who after going through the records of the case dismissed the appeal in the Go of 7.10.27. Mr. Bhadrappa now prays for a reconsideration of the above Go on the grounds advanced in the paper under despatch. I request that the appeal may be disposed of after hearing petitioner's Counsel.

2. Submitted for orders.

10/11

(Sgd) 9/11

OFFICE OF THE THIRD MEMBER OF COUNCIL. 19 NOV. 1927 No. 4646

3 Petitioner's Advocate may perhaps be heard before passing on the petn

3rd Member 19.11

4 all right

9/11

9/11

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

App. F. III—2] 13

General and Revenue Secretariat. File No. 3 of 1927.

Serial No.	
	5 Submitted. 6 As the case has to be posted for hearing the records of the case will have to be called for from the D.J. Court Dharwar to whom they have been returned. Draft calling for the same is submitted for approval 23/11 7 Records may be called for from the D.C. Leg d-d) 24/11 7 Yes 24.11 8 Issue 24/11
9	To the D.C. Dharwar letter no Rel 288 of 24.11.27. calls for the records relating to the H.A. election case no. 1217 of 1926-27 on the file of his Court which were returned to him on 8.10.1927.
10	From the D.J. Court Dharwar No. A2-302-26-27 dt 28.11.27 forwards the connected records in election case No. Rtn 1217/26-27 on the file of his court (Mr. K.S. Hiremath Veerya Bhadrappa and G. Ramiah) Submitted. The records have been received. The case may be

NOTE—Contn. sheet

113 / A: C 14

App. F. III—2]

General and Revenue Secretariat. File No. 3 of 1927

Serial No.

Posted for hearing.

30/11 Legd. D 13/12

30.11.27 3rd Member 13.12

B I shall be taking some leave after 15th Dec, date may be fixed in Jan' under the orders of the Member then in charge.

C.S.V. 6/12 17.12 14.12

OFFICE THIRD FILE 14 DEC. 1927 No. 5322

Fit 3/1/28 B

Sec B. Fit 10/1/28

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

5

(R.A. 32-27-1)

EXTRACTS FROM THE NOTES IN THE FILE RE. PROCEDURE TO BE ADOPTED IN HEARING APPEAL PETITIONS ABOUT ELECTIONS TO THE REPRESENTATIVE ASSEMBLY.

... ...

(45) The pending cases may perhaps be heard and disposed of by two of the Members of Council like Council cases as ordered pending the decision of the general question raised by the Dewan.

(In) S.M., 9-1-23

Dewan.

(46) May be talked over informally in Council.

(In) M.I., 10-1-23

... ...

The matter may be referred to the Rules Committe The opinion of the Chief Court may be obtained on th proposal to entrust Dist. Judges with the disposal disputes in R.A. elections.

(In) M.M., 6-2-23

... ...

Please note what action has been taken on pend cases(mentioned in list flagged M).

(In) H.S., 17-2-23

Subd. No action could be taken on the pending cases referred to in view of the orders contained in paragraphs 45 and 46 above.

(In) S.K.J. 17-2-23.

This question will be brought up for consideratio by the Rules Committee in due course.

(In) [illegible], 17-2-23.

Chairman, Rules Committee.

S.C.'s orders are under appeal to Govt. under the existing rules. These appeals are to be disposed of now.

(In) S.K. 18-2-23

First Member.)

... ...

Where are now the files relating to these pending cases?

(In) [illegible], 18-2-23

They are on the Sub. shelf in the office.

(In) S.K.J., 18-2-23

Orders should be taken about their disposal on the respective file.

(In) H.S., 18-2-23.

In which the reply on a separate slip of paper

113
Rec

(6)

App. F. III—2]

General and Revenue Secretariat. R A File No. 3 of 1927

Serial No.

Srlmd. for orders.

SRP
18/2/28

Mr. Bhadrappa
Vs
Mr. H.S. Gundappa
Mr. G. Ramiah.
Koralagere
Rural constituency

Submitted for orders as to the date to which the case may be posted for hearing.

A
SRP
27/3

Note on the grounds urged in the Review petition will be submitted upon the date of hearing fixed.

SRP
27/3

Secy)
3rd Mum[illegible]

30/3

SRP
30/3

Any date between 15th & 20th April will suit me.

as y[illegible]
2/4
SRP
2/4.

Mr Krishnappa for petr.
Opps in person. May ask for time. Cpl to Thursday 10.30 pm

CSN
2/5

Mr Krishnabhatta for petr.
Mr KR Srinivasa for 2nd opp[t]. Ramiah
1st opponent pronounced not present.
Heard Mr Krishnappa. Order reserved

CSN
11/5

NOTE—Contn. sheet.

OFFICE OF THE
THIRD MEMBER OF COUNCIL
30 MAR. 1928
No. 2535

WD 0324—GPB—60,000—24-5-27

(7)

General and Revenue Secretariat. File No. 3 of 1927

Serial No.

9458/14/5.

Order

In Gundappa, the Petitioner before the Dist Comm did not appear before us on the 10th or the 14th inst. & the case had been adjourned ^ on his request. In K. Srinivasan appeared for In Ramiah, who is the elected member under the Dist Comm's order. In Srinivasan said that he was there only to disprove, if necessary, the allegation of Corrupt practice against his client; that he had before the D.C. not alleged Corrupt practices against ~~the Chairman~~, ~~& that in the~~ In Bhadrappa & does not allege it. The effect of the plea is that in the event of In Gundappa's case against In Bhadrappa failing, In Ramiah has no time to allege against In Bhadrappa before declared duly elected.

As regards In Gundappa's allegations, it would have been well if the Dist Comm had insisted on In Gundappa specifying the acts which he alleged as amounting to Corrupt practice as required by in para 4 of the G.O. of 7th Nov 1923

NOTE—Contn. sheet

General and Revenue Secretariat.

Note No. 3 of 1927.

Serial No.

This would have clinched the issues from the beginning; the Section enabled the Defendant to understand what the specific charges were that he had to meet.

The Dy Com has mainly based his finding ~~against~~ to ~~Plaintiff~~ on Exhibits 1 and 4 & the evidence of certain witnesses corroborating the entries in the Exhibits ~~1 to 4~~. As regards these Exhibits Head Keeper Krishnappa (11th PW) admits that the clerk issued Exhibit 1 to 3 books who have not been tendered & who are not alleged to be votes. The documentary evidence in the becomes thus restricted to Exhibit 4 which is a piece of paper written in pencil, partly by Krishnappa & partly by a servant of his. The writing by the servant was not proved & hence the evidence of the entry regd supply of toffee to certain votes — who, besides deny

NOTE—Contn. sheet.

In the margin there is a direction to verify certain entries, etc. It is recommended that the verification has been made in the first instance in the Member's office, before the submn. to the 3rd Member, & to the P.A. to the First Member with the Comps.

8/5

Certified [illegible] & mailed to Members on 19/5/28 at the request of the P.A.

I obtained his orders. The
Member, on verification, may
please to strike out (words
this)-

19/8 DR
19

3

App. F. III—2]

General and Revenue Secretariat. File No. 3 of 1927

Serial No.

having been so supplied — has to be rejected. The entries in Ex IV in Rishnappas handwriting, which have been proved refer to a payment of Cash hire & Rs 2/- & to supply of toffee to ~~Cost~~ some persons. ~~This document~~ This document is stated to have been handed over to Mr Gundappa a few days after the Election; for it was not produced with his petition. Accts Rishnappa admits Keeping a Day book & the balance due from Basappa & have been entered in the Day book, that book has not been produced. ~~No witness~~ There is no ~~independent~~ evidence to corroborate the entries in ~~the~~ Exhibit IV regd Supply of toffee; & it will be dangerous to ~~to~~ charge a person with Corrupt practice on uncorroborated & unspecific evidence of this kind. There is Corroboration regarding the Supply of payment of Rs 2; ~~but~~ the Dy Com's appeal

~~who~~ & the ~~witness~~ proved ~~do not~~ do not ~~attend~~ support the names of Voters.

(Verified)

OFFICE OF THE THIRD MEMBER OF COUNCIL.
15 MAY 1928
No. 1330

NOTE—Contd. Sheet.

1

WD 6321—GPB—60,000—21-5-27

App. F. III—2]

General and Revenue Secretariat. File No. 3 of 192

10

Serial No.

have
Come to a wong Conclusion reg.
the effect of the Evidence on
account of a misconception
that Narasingappa was
one of those that voted for
Bhadrappa. This is not so;
proved to be the case
& ~~that fact~~, the Evidence
is not sufficient to prove
that 2 Rs was paid
to a Voter.

In the result, we
are of opinion that Corrupt
practice is not proved against
Sri Bhadrappa; & as he
got the highest number of
votes, he will be declared
as having been duly elected.

15/5/28. K. Meander.

C. S. Balasundaram

(Emphasis notes)

2 Drafts submitted for approval

8R 19/5

8R 19/5

8R 19/5 Seen)

2 19/5

Drafts may be appd

8R 21.5

2

8R 17/5.

2 19/11

Mrs. Rt Draft 8R 19/5

9759 21/5

NOTE—Contn. sheet.

Rec 21/5/28

1st Munsif

8R 21.5.28

WD 1024—GIB—60,000—21-5-27

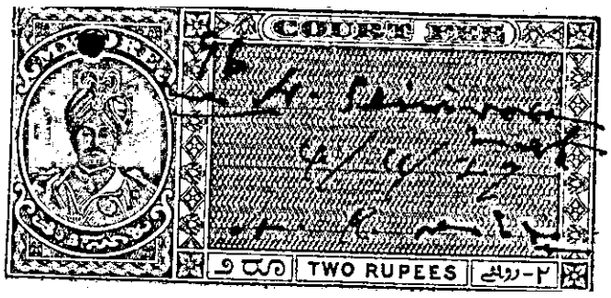
Appd 21/5.

General and Revenue Secretariat. R.A File No. 3 of 192)

Serial No.	
11	To D.C. Tumkur with records " Mr. H. Bhadrappa Chikpet, B'lore City " Mr. K.S. Gundappa Koratagere. " Mr G. Ramiah, Koratagere G.O. no Rel 819-22f dy 23.5.28. Passes orders on the recent petition preferred in the case directing that Mr. Hoskote Bhadrappa may be declared duly elected to R.A from the Koratagere rural Constituency as the charges of corruption alleged against him have not been proved
12	To the Accountant, Mysore Treasury Notifn. no Rel 823 dy 23.5.28 Declares Mr. H. Bhadrappa as duly elected member of R.A from Koratagere rural constituency and Cancells the Notifn. of ~~Mr G Ramiah~~ Mr G. Ramiah as elected member from the same constituency

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27



OFFICE OF THE SECRETARY
D. 82/REES
7. NOV 1927
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Presented by Mr. H. Srinivasamurthi Advocate for the Petitioner.

R.A3-27-7

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Ref: No.El.224/R.A.3-27-7

Government Order dated 7/8-11-1927

H. Bhadrappa, Merchant, Chickpet, Bangalore City. .. Petitioner.

---V/S--

1. K.S.Gundappa, Koratagere.
2. Ramiah do Opponents.

Application for Review.

The petitioner begs to state as follows:-

1. On 13-8-1927, the petitioner filed an appeal before the Government from the decision of the Deputy Commissioner of Tumkur in ElCase No.1217 of 1926-27, setting aside his election to the Representative Assembly from Koratagere Sub Taluk. Last month he received from Government, Endorsement No.El.224/R.A.-3-27-7 dated 7/8-11-1927 informing him that the said appeal was dismissed.

2. The petitioner prays for a reconsideration of the Government Order dismissing the appeal and submits the following grounds in support of his prayer:-

(i) Neither the petitioner nor his Counsels were heard before the order was passed so that they had no opportunity to explain to the Government the principal points in favour of the petitioner in order to show that the order under appeal was erroneous.

(ii) The fact that ever from the evidence of P.W.11 Krishnappa which is relied on by the Deputy Commissioner, it is clear that tiffin was not supplied to any of the voters has been lost sight of by the Government.

(iii) The interested nature of the evidence of P.W.11 and P.W.16 has not been noticed by the Government.

(iv) The omission of the fact of the 1st opponent to examine Shamanna and Chandrasekharia referred to in Ex: P4 and to get P.W.11 Krishnappa's accounts produced are circumstances, the significance of which has not been considered by the Government.

(v) The evidence adduced by the petitioner has not been considered and it is submitted there was no ground to disbelieve them.

(vi) The Ex:P3 and P.4 have not been proved by any legal evidence and the chits referred to in Ex: P4 have not been produced.

(vii) The numerous other grounds urged in the appeal petition filed by the petitioner - have not been considered. The petitioner produces herewith a copy of the said petition which may be read as a part of this petition.

(viii) The petitioner believes that if his Counsels had been heard the grounds urged in the appeal petition would have been explained - and the result of the appeal would have been - different.

(ix) The petitioner submits that assuming but not admitting the Deputy Commissioner's - findings of fact to be correct, the only order which could be legally passed was one directing re-election in view of the fact that the petitioner's election was declared void(vide para 3 No.P.3867-Legis.12-23.15 dated 11-1-1924 at p. 23 of the Manual Volume II which being later than No.P.2484-Legis-12-23-7 dated 2-11-1923 must be taken to supercede it).

(x) The petitioner prays that in any case he may be given an opportunity to have his case argued by his Counsel before any order is passed on this petition.

For the foregoing reasons the petitioner prays that the order of the Government dismissing the petitioner's appeal be reconsidered and set aside and the appeal be disposed of after -

after hearing the petitioner's Counsels.

BANGALORE,
4th November 1927

Petitioner.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

OF MYSORE, BANGALORE.

Election Appeal No. of 1927-28

H. Bhadrappa, 261, Chickpet, Bangalore City. .. Appellant.

---VS--

1. K.S. Gundappa, Koratagere.
2. Ramiah, Koratagere. .. Respondents.

Appeal under R.6 of the Representative Assembly Election Rules(Notification P.2400/Legis.12.23.7 dated 7-11-1923) from the decision of the Deputy Commissioner Tumkur, in the Election Case No.1217 of 1926-27, setting aside the election of the appellant to the Representative Assembly from Koratagere Sub Taluk.

Facts of the case.

1. The appellant was elected to the Representative Assembly from Koratagere Sub Taluk in the elections held on the 12th March 1927 having secured 165 votes.

2. The first respondent filed a petition(Election Case No.1217 of 1926-27) before the Deputy Commissioner of Tumkur contesting the validity of the appellant's election on several grounds.

3. The Deputy Commissioner set aside the election holding that the appellant was guilty of corrupt practice and declared the 2nd respondent duly elected. The alleged corrupt practice according to the Deputy Commissioner's finding consisted of treating some of the voters to tiffin and paying the cart hire to one Saggere Nanjundia.

4. The appellant begs to appeal from that order and submits the following grounds in support of his appeal.-

(a) The Deputy Commissioner erred in finding (i) that the appellant had supplied tiffin to the votersas alleged and (ii) that a cart hire had been paid to - Saggere Nanjundiah by the appellant or on his behalf.

(b) The Deputy Commissioner erred in law in admitting in spite of objection Ex: P1,P2,P3 and P4 which - the first respondent produced at a late stage of the - case and of which he has not the proper custodian.

(c) It is clear from P.W.11 Krishnappa's evidence as well as from the first respondent's that P.W.11 - Krishnappa who is stated to have handed over Exhibits P1 to P4 to the first respondent on mere asking has - been colluding with and secretly assisting the first respondent and hence P.W.11's evidence is interested.

(d) Even according to P.W.11 Krishnappa's evidence in accordance with the admitted chits Exhibits P1 and P2 tiffin was given to some boys of 12 or 13 who could not be voters and who according to the appellant were working for him on the election day.

(e) Exhibits P3 and P4 are not proved by any - legal evidence. The documents are fabrications and it is significant that the account books which P.W.11 admittedly maintains has not been produced to corroborate Exhibits P3 and P4. Exhibit P4 consists of merely some pencil notes made on an old bit of paper by P.W.11 and his servant who, however,has not been examined

(f) The learned Deputy Commissioner is wrong in thinking the Ex:P4 was not challenged. As a matter of fact all the allegations contained therein have been - denied by the appellant and in the absence of express admission or satisfactory proof of Ex:P4 no reliance - could be placed on it.

(g) In any event the burden of proving Ex:P4 and the truth of the statements contained therein lay on the first respondent and as that burden has not been discharged, the Deputy Commissioner erred in placing any reliance on Ex:P4 because in his opinion it was not challenged.

(h) The first six entries in Ex:P4 are admittedly not in the writing of P.W.11 but of his servant and since that servant has not been examined, these entries cannot be taken notice of.

(i) The chits referred to in the 7th entry in Ex:P4 on which tiffin for Rs.1-8-0 is stated to have been supplied have not been proved.

(j) Neither Shamanna who is alleged to have paid Rs.10/- to P.W.11 as stated in Ex:P4 nor Chandrasekharia who is mentioned in Ex:P4 have been examined and their connection with the appellant is not shown. Of the persons to whom tiffin is alleged to have been supplied viz., Subbiah Chetty the Doctor and Bada Hussain Sahib the first two are not voters while the last who is an Honorary Magistrate and a respectable gentleman has denied on oath in the witness box having taken tiffin as alleged. Since Bada Hussain Sahib was throughout in the polling station as an associate to the polling officer it is impossible that the appellant could have supplied him tiffin. No other person to whom tiffin is alleged to have been supplied has been examined.

(k) The alleged payment of cart hire to Saggere Nanjundiah is denied by him in the witness box and there is no reason to disbelieve him.

(l) Chandrasekhariah P.W.16 on whose evidence the Deputy Commissioner places reliance is clearly interested in the first respondent and bears ill-will to the appellant in as much as first he had admittedly

admittedly filed a criminal complaint against the appellant's maternal uncle Murudappa and secondly voted for the first respondent though he belongs to the appellant's community.

(m) The order of the Deputy Commissioner is opposed to law, evidence and probabilities of the case.

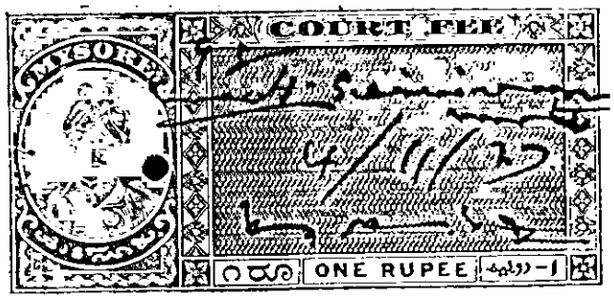
For these reasons the appellant prays that the order of the Deputy Commissioner under appeal be set aside and the election of the appellant be upheld and the respondents be ordered to pay the appellant's costs throughout.

He further prays for an order keeping the order of the Deputy Commissioner in abeyance pending this appeal.

BANGALORE,
13.August 1927

Appellant.

'Copy'



In the ~~.....~~ Court of Before the Govt. of H. H. the Maharaja

A T

Election Review Petn.
.....No.....of 1927 –28.

~~Plaintiff~~—Petitioner—~~Appellant~~ *~~Defendant~~-Opponent-~~Respondent~~.*

A. Bhadrappa	VS.	1. K S Gundappa 2. Ramaya

I/~~We~~ Bhadrappa the Petitioner abovenamed do hereby nominate and appoint Mr. M. P. SOMASEKHARA RAU, B.A., LL.B., Advocate, to be my/~~our~~ pleader in the above case and I/~~we~~ do hereby empower the said Advocate to appear, for me/~~us~~ and act on my/~~our~~ behalf in the above case, to take all steps which may be necessary on my/~~our~~ behalf arising out of or in connection with the above case either during its progress or after its decision, to make all necessary applications therein, to prosecute or defend any proceedings which may arise thereout, to sign and subscribe his name on my/~~our~~ behalf to any document which he may deem proper, to execute any decree that may be passed therein in my/~~our~~ favour, to receive from the Court all sums of money which may become payable to me/~~us~~ therein, on my/~~our~~ behalf to grant receipts or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said suit, to appoint a substitute or substitutes, and perform all acts relating to or connected therewith to represent me/~~us~~ in matters relating to the same and to act therein as fully and effectually to all intents and purposes as I/~~we~~ might do if personally present. And I/~~we~~ do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow, ratify and confirm whatsoever the said Advocate shall lawfully do or cause or procure to be done by virtue of these presents. H Siva Vasaluna Rau

In witness whereof I/~~we~~ have hereunto set my/~~our~~ hand on this the 4th day of Nov. 1927.

4-11-27.

Signed before me by the executant

who is known to me

H Siva Vasaluna Rau

ACCEPTED.

H Siva Vasaluna Rau

M P Somasekhara Rau

Advocate.

U. P. P. HOUSE, BANGALORE CITY.

10

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... 82 Rel

General and Revenue Secretariat
(~~RA~~)
the 192

Date of issue..... 24:11:27

Signed by..... J. Sivagnanam Modaliar

List of enclosures.....

Co by.....

Examined by.....

Section RA
File No. 3-27
Seria No. 9
No. REv. 288/R.A.

To The Deputy Commissioner
Tinnevelly

Sir,

I am directed to request you to kindly forward to this office for reference records relating to RA Election case No 1217 of 1926-27 on the file of your court which were returned to you with their Memo No. Rel 126/RA 3-27-7 of 8.10.27 as no Mr. Bhadra has filed a review petition

over

before Government

J. Kaucke

8/24/11 For Secretary's Asst

Law Department

D. C. 9]

Urgent.

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, 28th November *192* 7.

FROM

K. V. ANANTARAMAN, ESQ.. B.A.,
Deputy Commissioner, Tumkur District,
Tumkur.

OFFICE OF THE SECRETARY
TO GOVT. OF MYSORE
30 NOV 1927
LEGISLATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

To

B. Nagappa, Esquire, Bar-at-Law,

Secretary to the Government of His Highness the Maharaja of Mysore,
Law *Department,*
Bangalore.

SIR,

As called for in your letter No. Rel. 288/ R.A., dated 24-11-1927, I have the honor to forward herewith the connected records in election case No. Pet. 1217/26-27 on the file of this court (Mr. K.S. Gundappa, Versus (1) Mr. Bhadrappa and (2) Mr. G. Ramiah).

I have the honor to be,

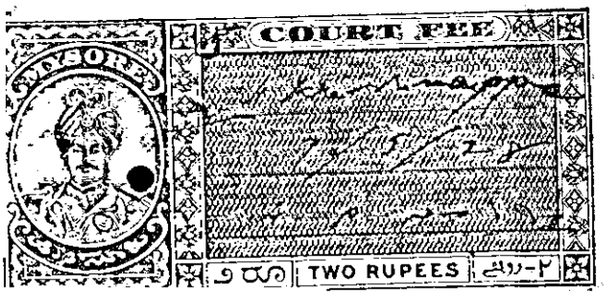
sir,

Your most obedient servant,

K. V. Anantaraman

Deputy Commissioner,
Tumkur District.

AD. 28/11.



13

ಕೋರ್ಟಿಗೆ.

192 7 — ನೇ ಇ ೪.

ನಂಬರು.

~~ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ.~~

~~ಪ್ರತಿವಾದಿ ಯಾ~~ ಅಪ್ಪೋನೆಂಟ್.

V. S.

ಮಾನ್ಯ ರಾ

ಗೆ.

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಇಷ್ಟೈರುವವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರ್‌ನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತ್ಯವಜು ವಗೈರೆ ಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾರೀಖು } ರುಜು.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.

7 . ೪ . ೨೪

7 . ೪ . ೨೪

☞ ಸಿಕ್ಕುವಸ್ಥಳ:—ಬೆಂಗಳೂರು ಚಿಕ್ಕಪೇಟೆ, "ವಿದ್ಯಾವಿಲಾಸ ಬುಕ್ ಡಿಪೋ" ಯವರಲ್ಲಿ ದೊರೆಯುತ್ತೆ.

Any post obj. 14/5/28

Before the government of his Highness the Maharajah of mysore
Bangalore.

Review application of 1927-28 under the representative assembly regulation.

Petitioner	Opponents
Hosakote Bhadrappa merchant Chickpet-Bangalore-	1) K.S. Gundappa Kolaragiri 2) G. Ramiah — Kolaragiri

The first opponent begs to state as follows

1) He is not able to attend the court- as he has been suffering from rheumatism, and that his advocate has not responded to his invitation to appear on his behalf with whom the file of papers remain. His action in submitting this statement by post may kindly be excused.

2) He submits that the finding of the lower court- so far as it is the setting aside of the petitioners election is reasonable.

3) Regarding the election of the 2nd opponent- he has filed an appeal on 1-9-27 quoting his grounds in detail.

4) His appeal did not come up for argument.

5) His earnest prayer is to take into consideration the facts he has put-forth in his appeal in support- of his claim to declare him as duly elected candidate for the representative assembly from the Kolaragiri Sub Taluk in disposing of the present review petition

Yours obediently

Kolaragiri
12.5.28

RA 3-27-11

Ref. 1

Before the Government of His Highness the Maharaja of Mysore.

Rep: Assembly Appeal No. ... petition of 1927-28

Appellant. Petitioner

H. Bhadrappa
Merchant Contractor
Bangalore city

Vs.

Respondent Opponents

(1) K.S. Gundappa
Koratagere

(2) G. Ramiah Pleader
Koratagere

Subject.

Review of Government order No. Rel 224 RA 3-27-7 dt 8.10.27 dismissing the appeal petition of the petitioner against the order of the Deputy Commissioner, Tumkur dt. setting aside his election to RA declaring the 2nd opponent to be a member of the Rep. Assembly from the Koratagere Rural Constituency

Order thereon:- No. Rel 819-22d / 23.5.28

Mr. Gundappa, the petitioner before the Deputy Commissioner did not appear before Government — On the 10th or the 14th instant although the case had been adjourned at his request,

GPB—1,000—13-1-12

Mr K. N. Srinivasan appeared for Mr. Ramiah who was the elected Member under the Deputy Commissioner's order. Mr Srinivasan said that he was there only to disprove, if necessary, the allegation of Corrupt practices against his client and that his client had not alleged before the Deputy Commissioner Corrupt practices before Govt. against Mr Bhadrappa. And ~~does~~ did not allege in the effect of the plea is, that in the event of Mr Gundappa's case against Mr Bhadrappa failing, Mr Ramiah has nothing to allege against Mr Bhadrappa being declared duly elected.

As regards Mr Gundappa's allegations it would have been open if the Deputy Commissioner had insisted on Mr Gundappa specifying the acts which he alleged as amounting to corrupt practice as required in paragraph 4 of the Government order of 7th November 1923. This would have clinched the issues from the beginning and enabled the defendants to understand what the specific charges were that he had to meet.

The Deputy Commissioner has

Raised his finding Mainly on
exhibits 1 to 4 and the evidence
of certain witnesses corroborating
the entries in the Exhibits. As
regards these exhibits, Hotel
- Keeper - Krishnappa (11th Witness)
admits that the chits
Exhibits 1 to 3 were issued to boys.
who have not been examined by
who are not alleged to be voters.
The documentary evidence becomes
as a piece of paper written in pencil
partly by Krishnappa and partly
by a servant of his. The writing by
the servant was not proved, and hence
the evidence of the entry regarding two
supply of tiffin to certain voters
who besides deny having been so
supplied - has to be rejected. The
entries in Exhibit IV in Krishnappa's
handwriting, which have been proved
regard to a payment of cart-hire of
Rs 2/- could be supply of tiffin
to some persons. This document is -

Stated to have been handed over to Mr
Gundappa after a few days after the
election which was not presented
with his petition. Although Krishnappa
admits keeping a Day Book and the
balance due from Mr Bhadrappa should
have been entered in the Day book
that book has not been produced.
There is no evidence to corroborate.
the entries in Exhibit IV regarding
supply of tiffin and the proved entries
do not contain the names of voters.
It will be dangerous to charge a person
with corrupt practice, on uncorroborated
and unspecific evidence of this kind There
is no corroboration regarding the entry
of payment of Rs 2/- but the Deputy
Commissioner appears to have come to
a wrong conclusion regarding the
effect of the evidence on account of
a misconception that Nanjundayya was
one of those that voted for Mr Bhadrappa.
This is not proved to be the case. The evidence
is not sufficient to prove that 2 Rs
was paid to a voter.

In the event of Government are of opinion that corrupt practice is not proved against Mr Bhadrappa and he got the highest number of votes, he will be declared as having been duly elected.

Secretary to Government
in Law Department

To The Deputy Commissioner, Anantapur

with reference to his letter No. A2-302-26-27 dt 28.11.27

Mr Bhadrappa, merchant, Chikkaballapur
Mr K.S. Gundappa, Advocate, Bangalore
Mr G. Ramiah, Pleader, Advocate, Bangalore

SR
19/5

Extra

BEFORE THE GOVERNMENT OF HIS HIGHNESS 20

THE MAHARAJA OF MYSORE.

Representative Assembly Review Petition of 1927-28.

Petitioner	Vs.	Opponents.
H. Bhadrappa, Merchant, Chikpet, Bangalore City.		(1) K.S. Gundappa, Koratagere. (2) G. Ramiah, Pleader, Koratagere.

SUBJECT.-

Review of Government Order No. Rel.224/R.A.3-27-7 dated 8-10-1927 dismissing the appeal petition of the petitioner against the order of the Deputy Commissioner, Tumkur District, setting aside his election to the Representative Assembly and declaring the second opponent as a member of the Representative Assembly from the Koratagere Rural Constituency.

Order thereon No.

Dated Bangalore, the 22nd May 1928.

Mr. Gundappa, the petitioner before the Deputy Commissioner, did not appear before Government on the 10th or the 14th instant although the case had been adjourned at his request. Mr. K. N. Srinivasan appeared for Mr.Ramiah who is the elected member under the Deputy Commissioner's order. Mr. Srinivasan said that he was there only to disprove, if necessary, the allegation of corrupt practices against his client and that his client had not alleged before the Deputy Commissioner corrupt practices against Mr. Bhadrappa and does not allege it before Government. The effect of the plea is that in the event of Mr. Gundappa's case against Mr. Bhadrappa failing, Mr. Ramiah has nothing to allege against Mr. Bhadrappa being declared duly elected

As regards Mr. Gundappa's allegations, it would have been well if the Deputy Commissioner had insisted on Mr. Gundappa specifying the acts which he alleged as amounting to

to corrupt practices as required in paragraph 4 of the Government Order of 7th November 1923. This would have clinched the issues from the beginning, and enabled the defendant to understand what the specific charges were that he had to meet.

The Deputy Commissioner has based his finding mainly on exhibits 1 to 4 and the evidence of certain witnesses corroborating the entries in the exhibits. As regards these exhibits, Hotel-keeper Krishnappa (11th P.W.) admits that the chits, exhibits 1 to 3, were issued to boys who have not been examined and who are not alleged to be voters.

The documentary evidence becomes thus restricted to exhibit 4 which is a piece of paper written in pencil partly by Krishnappa and partly by a servant of his. The writing by the servant was not proved, and hence the evidence of the entry regarding supply of tiffin to certain voters -- who besides deny having been so supplied -- has to be rejected. The entries in exhibit IV in Krishnappa's handwriting, which have been proved refer to a payment of cart hire of Rs.2/- and to supply of tiffin to some persons. This document is stated to have been handed over to Mr. Gundappa a few days after the election but it was not presented with his petition Although Krishnappa admits keeping a Day Book and consequently the balance due from Mr. Bhadrappa should have been entered in the Day Book, that book has not been produced. There is no evidence to corroborate the entries in exhibit IV regarding supply of tiffin and the proved entries do not contain the names of voters. It will be dangerous to charge a person with corrupt practice on uncorroborated and unspecific evidence of this kind. There is corroboration regarding the entry of payment of Rs.2/-, but the Deputy Commissioner appears to have come to a wrong conclusion regarding the effect of the evidence on account of a misconception that Nanjundayya was one of those that voted for Mr. Bhadrappa. This is not proved to be the

case

22

case. The evidence is not sufficient to prove that Re.2/- was paid to a voter.

In the result, Government are of opinion that corrupt practice is not proved against Mr. Bhadrappa and as he got the highest number of votes, he will be declared as having been duly elected.

For Secretary to Government,

Law Department.

To

The Deputy Commissioner, Tumkur District, with records received with his letter No. A2-302-26-27 dated 28-4-1927.

Mr. Bhadrappa, Merchant, Chikpet, Bangalore city.

Mr. K. S. Gundappa, Koratagere.

Mr. G. Ramiah, Pleader, Koratagere.

A. P. F. VI. G[illegible]

Copies

23

SUBJECT.....

.....

.....

Section R A

File No. 3-27

Serial No. 12

No. Notification

No. 823

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 23-5-28

Signed by Mr B Narasappa.

To

.....

.....

In pursuance of Government Order No. 819-22D/ 23-5-28 Mr Bhadrappa, Merchant, Chikpet, Bangalore City is hereby declared duly elected as a Member of the Rep: Assembly from the "Non-Agricultural Rural constituency" vice Mr. G. Ramiah.

By order,

Secretary to Govt

in Land Revenue Department

List of enclosures..... 2/4-8-27

* The Notification of Mr. G. Ramiah as elected Member in A2-302 is hereby Cancelled.

Copied by .....

Examined by .....

To The Superintendent Mysore Gazette for publication in The Gazette with

WD 0326—GPB—30,000—25-5-27

RR 19/5

A request that 15 copies are
supplied of the same may
be caused to be sent to
this office very early

Memo No. 824 dt 23.5.26.

Copy of the above
is forwarded to the
Deputy Comm. Kumkar
dh for information
& Communication to
Mr. G. Ramiah & Mr. Hoskeri
Bhadrappa. Mr.
Bhadrappa Manchelo
he informed that the may
attend the Budget Session
by order

for Secretary to Govt
Labour Department

8/5
19/5

25

LAW SECRETARIAT.

No. Rel. 823—*R. A.* 3-27-12, *dated* 23*rd May* 1928.

In pursuance of Government Order No. Rel. 819-22—R. A. 3-27-11, dated 23rd May 1928, Mr. Bhadrappa, Merchant, Chickpet, Bangalore City, is hereby declared duly elected as a member of the Representative Assembly from the Koratagere Rural Constituency. The notification of Mr. G. Ramiah, as elected member in No. A3-302 of 26-27, dated 4th August 1927, is hereby cancelled.

By Order,

B. NAGAPPA,

Secretary to Government,
Law Department.